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ANTHONY R. BARKUME			WIN, AUNG T	
20 GATEWAY LANE			ART UNIT	
MANORVILLE, NY 11949			PAPER NUMBER	
2645				
DATE MAILED: 01/11/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	10/823,407	POSTREL, RICHARD
Examiner	Art Unit	
Aung T. Win	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 12 April 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-25 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested:

“A method of operating a notification and response system”

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 13 & 14 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 13 recites the limitation “psychographic parameters” and Claims 14 recites the limitation “sociographic parameters” which are unclear to examiner what “psychographic parameters” and “sociographic parameters” are. The examiner cannot find the claimed limitations in the applicant’s disclosure or specification.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 2, 13, 14 & 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1 and 2 recites the limitation "that user" in step c of Claim 1 and in Claim 2, Line 4. There is insufficient antecedent basis for this limitation in the claim.

Claim 17 recites the limitation "the emergency system" in step iii of Claim 17.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 15-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Bottan et al. (US Publication Number: US 20020042846A1).

Regarding Claim 1, Bottan discloses a system and method of operating a notification and response system [personal support network; Figure 1].

Bottan method discloses setting a subscriber ID (Subscriber ID reads on unique contact address; see subscriber ID of message 114; Figure 1] [Step 203; Figure 2] [Paragraph 0107, Line 1-6]) (reads on step a). Moreover, identifying telecommunications service subscribers by assigning a unique ID to each of telecommunications service subscribers is inherent step in the art in order to uniquely identify and designate each service subscriber.

Bottan method further comprises;

(b) Enabling the subscribers to registers with the notification and response system for notifications and response services [Paragraph 0032, Line 4-7] [Paragraph 0174, Line 1-5] (reads on step b);

(c) Generating a profile for each user [0034-0105] [case H on Paragraph 0124], the profile comprising parameters for that user that indicate at least one group to which the user belongs [Paragraph 0147, Line 22-27] [Paragraph 0149, Line 1-3 & 21-24] [Paragraph 0161, Line 1-3]; in which

(Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual

or organizations as stated in [Paragraph 0034-0104], [cases A to M] or (user's current location as stated in [Paragraph 0149, Line 1-3];

(d) Generating a message (event message 114; [Figure 1] [Paragraph 0107 & 0108] [Paragraph 0143, Line 1-4] in which is event message is generated by a subscriber [See Cases A-M as stated above]) for broadcast transmission to a group of users [See Cases A to M as stated above]; said message having associated therewith a set of rules (i.e., message includes event type ID which is associated with a set of predefined rules for the event such as Cases A to M stated above [Also see Rule Definition Procedure on Page 6]) indicating which of the users that are intended to receive said message based on user parameters (based on user's information as stated above [0034-0105]);

(e) Broadcasting, utilizing the unique contact address of each user [Paragraph 0159, Line 1-17] [Paragraph 0160, Line 1-5] [Paragraph 0163] [Paragraph 0174, Line 5-10] in the group, the message to a group of users [Paragraph 0119] based on the parameters of each user (based on user's information as stated above [0034-0105]) that correlate to a rule associated with the message being transmitted [See Cases A to M].

Regarding Claim 2, Bottan's method further discloses a plurality of alternative contact modes for each user [Paragraph 0159, Line 1-17] [Paragraph 0160, Line 1-5] [Paragraph 0163 & 0165] [Paragraph 0174, Line 5-10] based on user's predefined rules accessed by the subscriber ID [Paragraph 0143, Line 1-4] [Paragraph 0147, Line 4-8].

Regarding Claim 3, Bottan's method also discloses transmitting message to the user at different times or days [Paragraph 0155].

Regarding Claim 15, Bottan's method discloses defined groups (Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual or organizations as stated in [Paragraph 0034-0104], [cases A to M]) or (user's current location as stated in [Paragraph 0149, Line 1-3]) wherein users belongs to more than one group (for example, user is neighbors as well as school staff).

Regarding Claim 16, Bottan's method teaches that only authorized user can modify parameters of said user profile [Paragraph 0147, Line 4-8].

Regarding Claim 17, Bottan discloses the enabling steps as stated above in Claim 1 rejection further comprises:

i. providing registration procedure information to each of the persons via a web site [Paragraph 0174];

ii. providing an e-commerce platform for credit card payment for services provided by the support network and allied service providers (reads on step ii) [Paragraph 0174, Line 12-15].

Bottan also discloses a subscriber database 107 [Figure 1 & 4; Paragraph 0032, 0106, 0144, 0176] for storing subscriber data i.e., data of registered users who have paid for the service fees accordingly. Thus, Bottan's subscriber database indicates only paid registered users of the notification and response system (reads on Step iii).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1).

Regarding Claim 4, Bottan's method fails to disclose the user's social security number. However, Bottan's method clearly shows the correlation between the assigned

unique ID with stored data in the user profile. Bottan's method also teaches populating new personal data in the user's profile [See Claim 1 rejection].

Therefore, it would have been obvious to populate the new user's social security data field as taught by Bottan's method for correlating the user's social security number with the assigned unique ID. The claimed limitation of correlating the unique contact address to the user's social security as claimed is in the absence of criticality and do not constitute a patentably distinct limitation from Bottan's method because Bottan's method show the correlation between the subscriber ID and stored newly populated user profiles data.

Regarding Claims 5-7, Bottan's method also discloses telephone number & email address as alternative contact addresses [Paragraph 0013]. Bottan's method fails to disclose instant message address. However, Bottan's method is the web based method therefore the method has capability of instant messaging.

Moreover, Bottan's method clearly teaches the concept of "setting the unique contact address" i.e., setting the subscriber identification value by providing the option of changing the subscriber identification value [Step 203; Figure 2] [Paragraph 0147, Line 4-10]. Therefore, the claimed limitation of setting the unique contact address as claimed in Claims 5-7 is in the absence of criticality, therefore the claimed method do not constitute a patentably distinct limitation from Bottan's method.

6. Claims 8-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Mardirossian (US Publication Number: US 20040131160A1).

Regarding Claims 8-14, Bottan's method does not explicitly disclose claimed parameters for defining groups of users as cited in Claims 8-14. However, Bottan's method clearly teaches defining groups of users in user's profiles in which Group includes Family members, Friends, Physicians, Dentists, Pharmacists, Lawyers, Accounts and Financial advisors, Neighbors, Support groups, Service providers, work colleagues, key clients in Business network based on their business needs or information, members in organizations & School staff, parents, any individual or organizations as stated in [Paragraph 0034-0104], [cases A to M]) or user's current location as stated in [Paragraph 0149, Line 1-3];

Mardirossian's method comprises the creating unique contact address (i.e., voice print) [Figure 2 & 3] and storing steps for storing additional individual information [See Certificate 50; Figure 4] [Paragraph 0028] for identifying each of individuals for further notification and monitoring identified individual [Figure 2 & 3]. Mardirossian discloses certificate 50 which comprises telephone numbers, biometric data, psychological data, contact addresses as well as other additional information which can be stored in any number N of data fields [Figure 4] [See Paragraph 0028].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify user profiles with group parameters as claimed in Claims 8-14 for defining groups for each subscriber as taught by Mardirossian's creating user's profile method. One of ordinary skill in the art at the time of invention was made to do this to provide improved group notification system based on better archived grouping method.

7. Claims 18 & 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Leukert-Knapp et al. (US Publication Number: US 20040098459A1).

Regarding Claim 18, Bottan does not explicitly disclose transmitting a confirmation message step although Bottan's method and system has capabilities of responding to the received message via one of communications contact modes [Paragraph 0159, Line 1-17] [Paragraph 0160, Line 1-5] [Paragraph 0163 & 0165] [Paragraph 0174, Line 5-10].

Leukert-Knapp discloses alert notification system and method in which Leukert-Knapp method teaches the confirmed reception of notification message by received message 315 [Figure 2] transmitted from a received notification message user [Paragraph 0010, Line 7-10] [Paragraph 0034, 0043 & 0051].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify the Bottan's method with the Leukert-Knapp's

confirmed reception message method as stated above in order to assure receipt of emergency event messages as well as business related event messages [See Background of Leukert-Knapp] and to implement the reliable and cost efficient systems.

Regarding Claim 22, modified Bottan's method teaches modified message transmission to other users in response to failure of receiving a confirmation message from a user after a predetermined time period [Leukert-Knapp; Paragraph 0010, transmitting to supervisor user] [Paragraph 0046, Step 450 & Paragraph 0051]. One skill in the art would realize that the content of further notification message to the supervisor user must have been modified.

Regarding Claim 23, modified Bottan's method teaches claimed confirming step because modified Bottan's method has to identify the user of the group that has confirmed reception of notification message by receipt message 315 [Figure 2] [Leukert-knapp; Paragraph 0043] [Also See Claim rejection 18 stated above].

Regarding Claim 24, modified Bottan's method teaches that the confirmation message include unique message identification number as well as user identification number [Leukert-knapp; Paragraph 0043] (claimed pin number reads on user identification number).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Leukert-Knapp et al. (US Publication Number: US 20040098459A1), further in view of Seshadri et al. (US Publication Number: US 20040068481A1).

Regarding Claim 19, modified Bottan's method does not explicitly disclose the step g; modifying the user's profile is based on parameters of received confirmation message sent by the user in which the confirmation message is in response to the broadcast message as claimed in Step e. However, modified Bottan's method teaches that user profiles can be interactively added, deleted and modified at anytime by the subscribers using the web interface, WAP, voice response, etc. [Bottan's Abstract & Paragraph 0020, Line 15-18]. Modified Bottan's method also teaches that the confirmation message includes user identification [Leukert-Knapp reference: Paragraph 0043, Line 7-10].

Seshadria discloses a notification system and method employing with dynamic subscription access model [Figure 1] [Paragraph 0031]. Seshadria's method teaches claimed step g of Claim 19 in which subscriber profile for notification message delivery is modified based on the parameters of user's confirmation message (i.e., accepting or rejecting the received incentive offers by the user would update the subscription information of user's profiles; Paragraph 0051, Line 12-18]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the modified Bottan's method with the Seshadria's method as stated above to change the user's profiles based on the user's response. One of ordinary skill in the art would have been motivated to do this to promote various services such as providing unsolicited notices or advertisements [Seshadria; Paragraph 0050, Line 11-14].

9. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Leukert-Knapp et al. (US Publication Number: US 20040098459A1), further in view of Piccioni (US Patent Number: US006842774B1).

Regarding Claim 20, modified Bottan's method teaches transmitting of messages to other users [Leukert-Knapp; Paragraph 0047, Step 450] [Paragraph 0051]. However, modified Bottan's method does not explicitly disclose transmitting modified messages is based on parameters of the confirmation message received from the user.

Piccioni discloses a method for situation tracking and notification in which Piccioni's method teaches the generation of further alerts and one or more notifications in response to the received alert by users of devices 12 [Column 5, Line 15-18] [Column 4, Line 64-65] [Column 3, Line 51-53].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the Bottan's method with Piccioni's method to generate the modified notification message based on received message parameters from the user. One of ordinary skill in the art would have been motivated to do this to provide the updating and creation of emergency situation events in response to alerts generated by user's mobile devices [Piccioni; Column 1, Line 46-48].

10. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Leukert-Knapp et al. (US Publication Number: US 20040098459A1), further in view of Anderson et al. (US Publication Number: US 20020178022A1).

Regarding Claim 21, modified Bottan's method does not explicitly disclose that determination of message transmission in an alternative contact mode is in response to failure of receiving a confirmation message from a user after predetermined period elapsed. However, modified Bottan's method clearly teaches message transmission in an alternative contact mode [Paragraph 0159] in case of transmission message failure in a first contact mode.

Anderson teaches Claimed Step g for making determination in transmitting message in another means (i.e., an alternate mode) after predetermined period elapsed

[See Step 236 in Paragraph 0055 & 0056] after failing to receive a user response [See Step 238 in Paragraph 0056].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to further modify the modified Bottan's method with Anderson's method as claimed determination step for message transmission in alternate mode. One of ordinary skill in the art would have been motivated to do this to assure the user receiving of urgent messages [Anderson; Paragraph 0056, Line 5-9].

11. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bottan et al. (US Publication Number: US 20020042846A1) in view of Mardirossian (US Publication Number: US 20040131160A1), further in view of in view of Leukert –knapp et al. (US Publication Number: US 20040098459A1).

Modified Bottan's method fails to disclose biometric data although modified bottan's method discloses claimed confirming step by checking biometric data.

Mardirossian's method comprises the creating unique contact address (i.e., voice print) [Figure 2 & 3] and storing steps for storing additional individual information [See Certificate 50; Figure 4] [Paragraph 0028] for identifying each of individuals for further notification and monitoring identified individual [Figure 2 & 3]. Mardirossian teaches that certificate 50 comprises telephone numbers, biometric data, psychological data, contact

addresses as well as other additional information which can be stored in any number N of data fields [Figure 4] [See Paragraph 0028].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention of made to modify subscriber ID with biometric data as claimed as taught by Mardirossian method for claimed confirming step. One of ordinary skill in the art at the time of invention was made to do this to provide improved identification and information retrieving system in authorization process.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Allport	US Patent Number:	US006021177A
Brown et al.	US Publication Number:	US 20030112952A1
Drury et al.	US Patent Number:	US006912270B1
Langsenkamp et al.	US Patent Number:	US005559867A
Nolan	US Publication Number:	US 20030229492A1
Sladek et al.	US Publication Number:	US006622016B1
Seshadri et al.	US Publication Number:	US 20040068481A1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aung T. Win whose telephone number is (571) 272-7549. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aung T. Win
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December 29, 2005



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